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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,595	12/05/2001	Lance E. Anderson	10112014	5140

7590 06/04/2003

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EXAMINER

NGUYEN, TUAN N

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

10/004,595

Applicant(s)

Anderson

Examiner

Tuan Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12/5/01
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/5/01 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 16) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 20) ☐ Other:

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### DETAILED ACTION

1. The disclosure is objected to because of the following informalities: On page 1, lines 8 and 22, and on page 2, line 12, please enter underlined missing information; on page 4, lines 7, 16 and 17, "13" should read --3--; also on page 4, lines 17 and 18, "16" should read --6--; also on page 4, lines 25 and 29, bottom 16 appears inaccurate because Fig. 2 of the drawing shows the bottom has a reference numeral 6; and on page 6, lines 3 and 4, drawer 6 appears inaccurate because reference numeral 6 has been cited as the bottom.

Appropriate correction is required.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "6" has been used to designate both the bottom and the compartment as shown in Fig. 1. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pippin et al.'284 in view of Cue.

Pippin et al.'284 disclose an apparatus and a method for sorting mail items. The apparatus and method comprise a mail sorting device (Figs. 1, 3 or 28) having a plurality of partition elements which form a plurality of compartments; and a plurality of mail bags (Figs. 2, 15 or 23) which can be place inside each compartment. The mail sorting device further has support bottoms. The mail bags accommodate sorted mail items inside. However, the mail bags do not function as folder devices.

Cue discloses an apparatus and a method for storing documents such as coupons comprising a folder device. The folder device comprises a first side 2 connecting to a second side 6.

It would have been obvious to one of ordinary skill in the art to modify the mail bag of Pippin et al.'284 to have a folder device as taught by Cue. Such modification is simple in design; therefore cost less and avoiding bulky and weight (Cue, column 2, lines 27-32 and lines 47-61).

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6. The IDS (Pto-1449) filed on July 30, 2002 has been considered. A copy is attached hereto.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

D'Elia, Zachary, Gurkin and McCall are cited to show other pertinent art..

8. Any inquiry concerning this communication should be directed to Examiner Tuan Nguyen at telephone number 703-308-3664.



TUANN.NGUYEN  
PATENT EXAMINER

5/30/03

tnn,

May 30, 2003.

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